

NOTES ON HEARING REQUIREMENTS

EMERGENCY PROTECTIVE CARE (EPC) HEARING REQUIREMENTS

| NO. | EXISTING COUNTY PRACTICE | PRACTICE NEEDS IMPROVE. | PRACTICE | NOTES ON WHAT MIGHT NEED TO CHANGE IN YOUR COUNTY TO GET CLOSER TO REQUIRED OR RECOMMENDED PRACTICE |
|-----|--------------------------|-------------------------|--|---|
| 1. | | | Identification of full file name and number | |
| 2. | | | Type and purpose of hearing | |
| 3. | | | Identification of ALL Present and missing parties, participants, and attorneys | |
| 4. | | | Verification of child's name, date of birth, race, and current address | |
| 5. | | | Inquiry about receipt of petition by all parties, participants, and attorneys | |
| 6. | | | Appointment of counsel for children | |
| 7. | | | Appointment of Counsel for Parents | |
| 8. | | | Appointment of Guardian ad Litem | |

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| 9. | | | Advisory of rights and potential outcomes and consequences of proceeding | |
| 10. | | | Summary of factual grounds | |
| 11. | | | Summary of statutory grounds | |
| 12. | | | Identification of past or present CHIPS, criminal, or family court cases regarding the family | |
| 13. | | | Motions to intervene | |
| 14. | | | Inquire as to child's Indian heritage | |
| 15. | | | Determination about application of ICWA | |
| 16. | | | Prima Facie determination regarding sufficiency of petition | |

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| 17. | | | Determination regarding endangerment | |
| 18. | | | Determination regarding reasonable / active efforts to prevent placement or removal | |
| 19. | | | Determination regarding reasonable / active efforts to reunify child with family | |
| 20. | | | Determination regarding contrary to child's welfare to remain in custody of parent(s) | |
| 21. | | | On-the record statement of findings, determinations, and order | |
| 22. | | | Notice of date and time of next hearing | |

ADMIT / DENY HEARING REQUIREMENTS

Note: If Admit/Deny Hearing is the first hearing, must follow steps 1 – 22 listed in EPC Hearing Requirements in addition to steps below

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| 23. | | | Only parent(s) who is/are legal custodians admit/deny petition | |
| 24. | | | Only child admits/denies if truancy or runaway | |
| 25. | | | Questioning of person admitting as to capacity to admit and understanding of admission | |
| 26. | | | No general admissions permitted – must admit to at least one factual allegation and one statutory ground | |
| 27. | | | No “Alford-type” pleas permitted | |
| 28. | | | Adjudication or withholding of adjudication, if admission | |
| 29. | | | On-the-record statement of findings, disposition, and order | |

DISPOSITION REVIEW HEARING (IDH) REQUIREMENTS

Note: Follow steps 1 – 22 listed in EPC Hearing Requirements in addition to steps below

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| 30. | | | Identification of full file name and number | |
| 31. | | | Type and purpose of hearing | |
| 32. | | | Identification of ALL Present and missing parties, participants, and attorneys | |
| 33. | | | Verification of child's current address | |
| 34. | | | Parents, social worker, and GAL sworn in as witnesses who will be giving testimony/information | |
| 35. | | | In-depth discussion of parent's progress on case plan, including what more needs to be done | |
| 36. | | | In-depth discussion of services provided by agency since last hearing, including what additional services are required | |
| 37. | | | Determination about whether agency's efforts were reasonable / active under the circumstances | |

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| 38. | | | Determination about child's care, custody and control | |
| 39. | | | On-the-record statement of findings, disposition, and order | |

PERMANENCY PROGRESS REVIEW HEARING (IDH) REQUIREMENTS

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|-----|--------------------------|-------------------------|--|---|
| 1. | | | Identification of full file name and number | |
| 2. | | | Type and purpose of hearing | |
| 3. | | | Identification of ALL Present and missing parties, participants, and attorneys | |
| 4. | | | Verification of child's current address | |
| 5. | | | Parents, social worker, and GAL sworn in as witnesses who will be giving testimony/information | |
| 6. | | | In-depth discussion of parent's progress on case plan, including what more needs to be done | |

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| 7. | | | In-depth discussion of services provided by agency since last hearing, including what additional services are required | |
| 8. | | | Determination about whether agency's efforts were reasonable / active under the circumstances | |
| 9. | | | Determination about child's care, custody and control | |
| 10. | | | On-the-record statement of findings, disposition, and order | |